**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929**

**WP(C).No. 26501 of 2007(E)**
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**PETITIONER:**
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**SANOOPA.P.,**
**(MINOR) REP.BY NEXT FRIEND FATHER**
**SR.K.PRABHAKARAN, P.S. NILAYAM, NEAR FCI ANGAMALI,**
**ERNAKULAM DT.**

**BY ADV. SRI.P.NARAYANAN.**

**RESPONDENTS:**
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1. **STATE OF KERALA, REPRESENTED BY**
   **SECRETARY, HIGHER EDUCATION DEPARTMENT,**
   **GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE COMMISSIONER FOR ENTRANCE**
   **EXAMINATIONS, THIRUVANANTHAPURAM.**

**BY GOVT. PLEADER SRI. I.V. PRAMOD.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ANTONY DOMINIC,J.**

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**W.P ( C) No. 26501 of 2007**

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**Dated this the Ist October, 2007**

**J U D G M E N T**

Petitioner is a physically handicapped student. She has filed this writ petition praying for directing the 2nd respondent to allow her to exercise his option for allotment of seats in Engineering Courses and for other consequential reliefs. It is her case that in terms of the prospectus, persons with disabilities are required to appear before an Expert Committee for assessing their disability and suitability for admission. Accordingly, Exhibit-P2 notice was issued to the petitioner requiring her to appear before the said committee on 6.7.2007 at the Office of the Director of Medical Education, Thiruvananthapuram. It is the specific complaint of the petitioner that the said notice reached her only on 7.7.20007 and therefore she could not appear before the Committee on 6.7.2007 and thus she was prevented from joining the Course. This case was posted for instructions of the Government Pleader.

2. Today, learned Government Pleader, on instruction, submits that there were 65 similar candidates to whom notice in the nature of Exhibit-P2 was sent. According to him, out of the

65 candidates only 52 of them appeared before the Committee and that the complaints of late receipt of notice has been received from other candidates as well. Learned Government further submits that though there are vacancies since these candidates did not appear before the Committee on the appointed day, their case could not be considered.

3. It is the specific complaint of the petitioner that she got the notice only on 7.7.2007 requiring her to appear before the Committee on 6.7.2007 and that it is only for that reason she could not appear on that day. Since other students also have raised this complaint, the complaint of the petitioner seems to be correct. Late receipt of notice cannot result in denying admission to a candidate. This is all the more so, since vacancies are available and that admission can be continued without disturbing the students who have been already admitted.

4. In these circumstances, I dispose of this writ petition directing the 2nd respondent to constitute an Expert Committee in terms of the prospectus and require the petitioner and other similarly situated students to appear before the said Committee and assess their disability and suitability and give admissions to

them in the quota earmarked for such candidates. This shall be done, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this notice.

**(ANTONY DOMINIC, JUDGE)**

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**K.THANKAPPAN,J**

**CRL.A. NO.92 OF 1999**

**ORDER**

**25th May, 2007**